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FILED

DISTRICT COURT OF GUAM

JUN - 4 2007 *nba*

MARY L.M. MORAN
CLERK OF COURT

8
9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE TERRITORY OF GUAM

11 JEREMY J. CAMACHO,

CIVIL CASE NO. 07-00005

12)
13)
14) Plaintiff,
15) vs.
16)

DEFENDANT UNITED STATES OF
AMERICA'S ANSWER TO
COMPLAINT

17 UNITED STATES OF AMERICA, et al.

18 Defendants.
19
20

21 The Defendant, UNITED STATES OF AMERICA ("USA"), severing itself from all
22 other Defendants named herein, hereby answers the Complaint as first filed in the Superior Court
23 of Guam, and later removed to the United States District Court for the District of Guam in the
24 above-entitled action, as follows:

- 25 1. Defendant USA DENIES the allegations contained in paragraph 1.
26 2. Defendant USA is without knowledge or information sufficient to neither ADMIT
27 nor DENY the allegations contained in paragraph 2, and therefore DENIES the
28 allegations.

- 1 3. Defendant USA is without knowledge or information sufficient to neither ADMIT
2 nor DENY the allegations contained in paragraph 3, and therefore DENIES the
3 allegations.
- 4 4. Defendant USA ADMITS the allegations contained in paragraph 4.
- 5 5. Defendant USA is without knowledge or information sufficient to neither ADMIT
6 nor DENY the allegations contained in paragraph 5, and therefore DENIES the
7 allegations.
- 8 6. Defendant USA ADMITS the allegations contained in paragraph 6.
- 9 7. Defendant USA is without knowledge or information sufficient to neither ADMIT
10 nor DENY the allegations contained in paragraph 7, and therefore DENIES the
11 allegations.
- 12 8. Defendant USA DENIES the allegations contained in paragraph 8 (a), 8 (b), 8 (c) and
13 8 (d).
- 14 9. Defendant USA is without knowledge or information sufficient to neither ADMIT
15 nor DENY the allegations contained in paragraph 9, and therefore DENIES the
16 allegations.
- 17 10. Defendant USA DENIES any negligence on the part of Ryan Blume, and is without
18 knowledge or information sufficient to neither ADMIT nor DENY the remaining
19 allegations contained in paragraph 10, and therefore DENIES the allegations.
- 20 11. Defendant USA is without knowledge or information sufficient to neither ADMIT
21 nor DENY the allegations contained in paragraph 11, and therefore DENIES the
22 allegations.
- 23 12. Defendant USA is without knowledge or information sufficient to neither ADMIT
24 nor DENY the allegations contained in paragraph 12, and therefore DENIES the
25 allegations.
- 26 13. Defendant USA is without knowledge or information sufficient to neither ADMIT
27 nor DENY the allegations contained in paragraph 13, and therefore DENIES the
28 allegations.

allegations.

14. Defendant USA is without knowledge or information sufficient to neither ADMIT nor DENY the allegations contained in paragraph 14, and therefore DENIES the allegations.

15. Defendant USA is without knowledge or information sufficient to neither ADMIT nor DENY the allegations contained in paragraph 15, and therefore DENIES the allegations.

SECOND CAUSE OF ACTION

16. Defendant USA reiterates its responses contained in paragraphs 1 through 15.

17. Defendant USA is without knowledge or information sufficient to neither ADMIT nor DENY the allegations contained in paragraph 17, and therefore DENIES the allegations.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim against Defendant USA upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The Plaintiff JEREMY J. CAMACHO was negligent and careless in and about the matters set forth in the Complaint and his lack of due care and caution caused or contributed to Plaintiff's alleged injuries and damages, and any damages recovered should be reduced accordingly.

THIRD AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate his damages, and any injuries sustained by Plaintiff are the result of a pre-existing injury.

1 **FOURTH AFFIRMATIVE DEFENSE**

2 Plaintiff's claims are barred or should be reduced due to Plaintiff JEREMY J.
3 CAMACHO's comparative negligence.
4

5 **FIFTH AFFIRMATIVE DEFENSE**

6 Plaintiff's claims are barred or should be reduced due to Plaintiff JEREMY J.
7 CAMACHO's contributory negligence.
8

9 **SIXTH AFFIRMATIVE DEFENSE**

10 Plaintiff's claims are barred by the statute of limitations.
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12 **SEVENTH AFFIRMATIVE DEFENSE**

13 Defendant USA reserves the right to assert such further affirmative defenses as may
14 appear as discovery proceeds.
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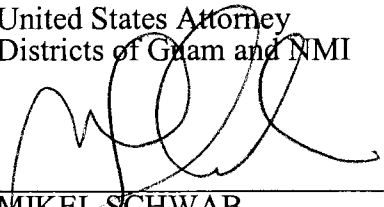
16 WHEREFORE, Defendant USA herein prays for relief as follows:
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- 18 1. That Plaintiff takes nothing against Defendant USA by way of his Complaint;
19 2. That Plaintiff's Complaint be dismissed with prejudice against Defendant USA; and
20 3. For such other and further relief as the Court may deem just and proper.
21

22 DATED this 4th day of June, 2007.
23

24 LEONARDO M. RAPADAS
25 United States Attorney
26 Districts of Guam and NMI

27 By:

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